

CC: ANNE
JENNY

From: DAVID

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> From: Marc Levin[SMT:LEVIN@POTTSREILLY.COM]
> Sent: Monday, February 28, 2005 6:27:34 PM
> To: Smith, David [LAW]
> Cc: psilver@zbbs.com; levin@pottsreilly.com
> Subject: Copy of Complaint
> Auto forwarded by a Rule
>
David,

I spoke with Paul and he is pleased for me to send you a copy of our complaint, which is attached.

I think we have a common interest with the City of Austin on many of our claims, particularly those that relate to the City Council's sole authority to decide matters that affect the budget.

As you know, the City Council passed the current ordinance 5-2., which this initiative would repeal and replace. Until (and if) this initiative is approved by the voters, our view (although it is of course not our decision) is that the City's primary interest would be in defending the current ordinance, which remains in effect and which we are not challenging. Indeed, I am not sure whether the City has any obligation at all to defend an initiative that has merely been proposed, especially one that would repeal and replace an existing city ordinance passed by the Council.

I also hope that the City of Austin will recognize that it is in everyone's interest, including the public interest, to obtain a judicial determination as soon as possible so that uncertainty is removed and the public can make an informed decision.

Thanks very much and I look forward to staying in touch.

Sincerely,

Marc

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